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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,780	11/16/2001	John J. Daniels	14531.71.4.3	1576
47973	7590	07/18/2005	EXAMINER	
WORKMAN NYDEGGER/MICROSOFT 1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111			LEE, Y YOUNG	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/993,780

Applicant(s)

DANIELS, JOHN J.

Examiner

Y. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-8,13-15,27-30 and 37-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-8,13-15,27-30 and 37-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on 5/5/03. These drawings are acceptable.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3-8, 13-15, 27-30, and 37-75 rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al (6,388,714) in view of Klosterman (5,550,576).

Schein et al, in Figures 1-12, discloses substantially the same interactive television system (Fig. 11) that includes a computing system PC and a recording device 36 that is configured to record television programs as specified in claims 3-8, 13-15, 27-30, and 37-75 of the present invention, the interactive television system is connectable by means of the computing system PC to a server (608-612) that is connectable to a network 606, comprising the acts of receiving at the server 608, a request from a computing system 602 to access a programming homepage (e.g. Internet log in); in response to the request to access the programming homepage, providing the computing system access to the programming homepage (e.g. logged in); upon receiving a request from the computing system 602 from a corresponding program schedule, the server 608 providing the programming schedule (Fig. 2) to the computing system 602; receiving at the server an identification 724 provided from the computing

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system 602 of one or more television programs to be recorded (e.g. Fig. 14), and the one or more television programs to be recorded having been selected from a display 310 of the programming schedule at the computing system 602 of the interactive television system from the programming schedule provided from the server 608.

With respect to claims 3-8, 13-15, 27-30, 38-75, Schein et al also discloses receiving, from the remote device 612, information representing a television signal provider 702 that is to broadcast the one or more television programs to be recorded by the interactive television system, wherein the television signal provider has been selected at the remote device 610 in response to input received at the remote device (e.g. 724); prior to the act of receiving information representing a television signal provider, the act of transmitting, to the remote device, information (e.g. in digital format) identifying a plurality of television signal providers (e.g. cable, commercial, etc.) that are capable of broadcasting television programs to the interactive television system; wherein the server communicates with the remote device through an internet connection with a conventional Web browser 606; the programming schedule includes a time, date and duration (e.g. Figs. 12 and 13) of the one or more television programs that are to be recorded; the programming schedule include transmission source information (e.g. cable, satellite, etc.) that enables the interactive television system to tune to one or more signals in which the one or more television programs are encoded; and the transmission source information (e.g. channel number) identifies at least one of a television broadcast channel, a cable channel, and a satellite channel through which the one or more signals is to be received by the interactive television system 2; and

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wherein access to the programming homepage is accessible only after screening a user via a password (Fig. 17) or based on a determination of at least one of a caller ID, area code and phone number of the user (e.g. modem dial up access).

Although Schein et al discloses recording programs in response to the user selection of programs identified for recording, it is noted Schein et al differs from the present invention in that it fails to particularly disclose a method of obtaining recording instructions to control the recording of one or more selected television programs by the interactive television system as specified in claims 3-8, 13-15, 27-30, and 37-69. Klosterman however, in Figures 1-4, teaches the concept of such well known technique of identifying a plurality of television signal providers (26-30); receiving a selection of an appropriate one of the plurality of television signal providers (26-30); downloading recording instructions (e.g. source ID, CH, time, etc.) to the interactive television system so that the recording device 24 will thereafter be set up to record the one or more selected television programs (Fig. 2), and wherein the recording instructions (e.g. VCR stop time) are downloaded through at least one of a television signal (26-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having both the references of Schein et al and Klosterman before him/her, to exploit the well known remote control of a recording device as taught by Klosterman in the interactive television system of Schein et al, in order to provide the viewer with a simple, efficient, and economical option of recording desire programs without programming the VCR.

Response to Arguments

4. Applicant's arguments with respect to claims 3-8, 13-15, 27-30, and 37-75 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Lee whose telephone number is (571) 272-7334. The examiner can normally be reached on (571) 272-7334.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Y. Lee
Primary Examiner
Art Unit 2613

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